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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,209	06/20/2003	Dhananjay V. Keskar	42P16126	9022

8791 7590 10/30/2006

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,209

Applicant(s)

KESKAR ET AL.

Examiner

Creighton H. Smith

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 17.07.06
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bork et al '657.

Bork et al disclose a wireless communication device (100) that has an intelligent alerting system, col. 3, lines 34-36. Terminal (100) has a CPU (114) that devises an optimum alerting sequence from determining the operating environment of terminal 100. The CPU 114 will also adjust the audio, visual, and tactile alert signals based on the operating environment. Bork et al disclose a few examples of "user context" information in col. 3, lines 1-7, where it's disclosed that whether the terminal is in a high or low noise environment, alerts are minimized. In col. 2, lines 4 et seq, Bork et al disclose that no intelligent alerting system exists that will "listen" to the environment by sampling noise levels surrounding the terminal (100) and then generating either a tactile, i.e., vibrating, visual, or audible alerting signal based upon a programmed instruction set. And, therefore, accordingly, Bork et al has recognized a need for a wireless device having an intelligent alerting system that devises an optimum alert sequence from the operating environment of the device.

For claim 2, Bork et al disclose in col. 2, line 7, that their wireless device can modify its notification behavior by generating either a tactile (vibrating), or visual signal. This meets applicant's limitations in claim 2 of a flashing display screen and a blinking LED.

Regarding claim 4, Bork et al disclose @ col. 2, lines 35 et seq that one of the physical pieces of information is passive audible sensing of the environment which meets applicant's limitation in claim 4 of "ambient noise information." In lines 56 et seq of col. 2, Bork discloses some other physical pieces of information that affect the alerting signal the wireless device are; light sensing, temperature sensing and motion sensing.

Pertaining to claim 5, Bork et al disclose in col. 2, lines 58-60 that several other inputs include real time clock (including date). In regard to claim 6, Bork discloses light sensing in line 60 of col. 2.

Concerning claim 7, Bork et al disclose in col. 9, lines 60 et seq it is disclosed that where a real time clock relays a time of 5 PM "during summer in Dallas, Tex." The only way that the wireless phone would know that it is summer would be if it had a built in calendar inside of it. For claim 9, default preferences are disclosed @ cols. 6 & 10, lines 4 & 60-65.

For claim 18, see cols. 10 & 11, lines 65-67 & 1-4, where it is disclosed that there are different alerts for different types of environments, i.e., quiet, noisy, day, night, belt, purse, etc. This means that if the environment is quiet then the phones volume will be lowered and if the environment is noisy then the phone's volume will be raised.

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Any inquiry concerning this communication should be directed to Creighton H.

Smith at telephone number 571/272-7546.

25 OCT '06

A handwritten signature in black ink, reading "Creighton H. Smith". The signature is written in a cursive, flowing style with a large initial "C".

Creighton H Smith
Primary Examiner
Art Unit 2614